

AMENDED IN ASSEMBLY APRIL 19, 2010

AMENDED IN ASSEMBLY MARCH 25, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2134

Introduced by Assembly Member Chesbro

February 18, 2010

An act to add Section 25503.45 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 2134, as amended, Chesbro. Alcoholic beverage control: tied-house restrictions: instructional events: beer.

The Alcoholic Beverage Control Act authorizes any person holding a manufacturer's agent's, rectifier's, importer's, or wholesaler's license to give away samples of the alcoholic beverages that are authorized to be sold under that license. Existing law provides that a retail license does not authorize the furnishing or giving away of any free samples of alcoholic beverages. Existing law permits beer manufacturers, holders of a beer and wine importer's general license, and licensed beer and wine wholesalers to instruct consumers regarding beer, respectively.

This bill would additionally allow *a* licensed beer ~~manufacturers~~ *manufacturer* and ~~holder's~~ *a holder* of a beer and wine importer's general license, or any director, partner, officer, agent, or representative of that person, to conduct an instructional event held at an on-sale retail licensee's premises featuring beer, subject to specified conditions.

The Alcoholic Beverage Control Act provides that a violation of any of its provisions for which another penalty or punishment is not specifically provided is a misdemeanor. This bill, by including

provisions that, if violated, would result in a misdemeanor, would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25503.45 is added to the Business and
2 Professions Code, to read:

3 25503.45. (a) Notwithstanding any other provision of this
4 division, a licensed beer manufacturer or a holder of beer and wine
5 importer's general license, or any director, partner, officer, agent,
6 or representative of that person, may instruct consumers at an
7 on-sale retail licensed premises authorized to sell its product with
8 the permission of the on-sale retail licensee. The instruction may
9 include, ~~without limitation,~~ serving beer sold by the on-sale retail
10 licensee *to the consumer* and providing information on the history,
11 nature, values, and characteristics of the beer, and methods of
12 presenting and serving the beer. Orders for the sale of beer may
13 be accepted by the beer manufacturer conducting an instructional
14 event if the sales transaction is completed at the beer
15 manufacturer's licensed premises.

16 (b) A person authorized by subdivision (a), in advance of an
17 authorized instructional event, may list in an advertisement the
18 name and address of the on-sale retail licensee, the names of the
19 beers being featured at the instructional event, and the time, date,
20 and location of, and other information about, the instructional
21 event, subject to the following limitations:

22 (1) The advertisement does not also contain the retail price of
23 the beers.

24 (2) The listing of the retailer's name and address is the only
25 reference to the retailer in the advertisement and is relatively
26 inconspicuous in relation to the advertisement as a whole. Pictures
27 or illustrations of the retailer's premises and laudatory references
28 to the retailer in these advertisements are not hereby authorized.

1 (c) An on-sale retail licensee's advertisement of an authorized
2 instructional event may include the name, address, and brand names
3 of the person authorized by subdivision (a), however nothing in
4 this section allows that person to share in the costs of the on-sale
5 retail licensee's advertisement.

6 (d) For purposes of this section, a licensed beer and wine
7 wholesaler shall not be a representative of a beer manufacturer or
8 a holder of a beer and wine importer's general license.

9 (e) Notwithstanding any other provision of this division, no
10 alcoholic beverage may be given away in connection with the
11 instructional event authorized by this section.

12 SEC. 2. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.